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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,124	03/15/2004	Andrew J. Berokoff	134/156	7077
27612	7590	10/11/2005	EXAMINER	
AVERILL & VARN 8244 PAINTER AVE. WHITTIER, CA 90602			BLAU, STEPHEN LUTHER	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/799,124

Applicant(s)

BEROKOFF, ANDREW J.

Examiner

Stephen L. Blau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/25/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 14-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/15/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 9 and 14-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **with** traverse in the reply filed on 25 March 2005. The applicant did not make an election for Group 2 claims. However since claim 10 was elected and claim 9 was not the Examiner concludes that the species in Group 2 selected was the species for figure 4C.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoeninger.

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Schoeninger discloses a head, a shaft, a grip (Fig. 4a), a sliding grip portion (30) adapted to slide on a grip (Figs. 4c-4d), a lower grip portion and an upper grip portion, an upper grip portion including an upper stop and a lower stop (See enclosure (1)), the sliding grip portion being limited by the upper stop and the lower stop (See enclosure (1)), a sliding grip portion is rotatable about a grip (Abstract), and a club of a putter (Title).

4. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by 2001-310002.

2001-310002 discloses a head, a shaft, a grip (Fig. 1), a sliding grip portion (Ref. No. 5,) adapted to slide on a grip (DERWENT ABSTRACT), and a club being a wood type (Fig. 1).

5. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kallassy.

Kallassy discloses a head, a shaft, a grip (Fig. 1), a sliding grip portion (Ref. No. 20,) adapted to slide on a grip (Abstract), and a club being an iron type (Fig. 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeninger.

Schoeninger discloses a travel between an upper stop and a lower stop being preferably 5 to 10 inches, greater or lesser ranges, and an axial travel of only a single inch [0016]. Clearly an artisan skilled in the art of forming a slideable grip with a travel of preferably 5 to 10 inches or to a lesser travel of only a single inch would select a suitable travel in which 2 inches is included.

Schoeninger lacks a travel of approximately two inches. It would have been obvious to modify the putter of Schoeninger to have a travel of approximately two inches in order to have a travel lesser than 5 to 10 inches but not as much as only a single inch for golfer who prefers less axial movement in a putter not as small as one inch.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeninger in view of Gibbon.

Schoeninger discloses a sliding grip being smaller than a fixed grip near the butt end (Fig. 1).

Schoeninger lacks a sliding grip portion being approximately four inches long. Gibbon discloses a grip having a length of ten inches. Gibbon discloses a grip having a length of about 10 inches long (Claim 3). In view of the patent of Gibbon it would have

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been obvious to modify the grip of Schoeninger to have a sliding grip portion being approximately 4 inches and the fixed grip portion being 6 inches in order to have a total grip-able portion being approximately ten inches.

9. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoeninger in view of Sosin.

Schoeninger discloses a sliding grip portion having a diameter (Fig. 1).

Schoeninger lacks sliding grip portion having a diameter of approximately one inch in diameter. Sosin discloses a grip for a putter being one inch in diameter in order to limit the small muscles of a hand while putting [0030]. In view of the publication of Sosin it would have been obvious to modify the putter of Schoeninger to have a grip being approximately one inch in diameter in order to limit the small muscles of a hand while putting.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Eugene Kim whose telephone number is (571) 272-4463. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is

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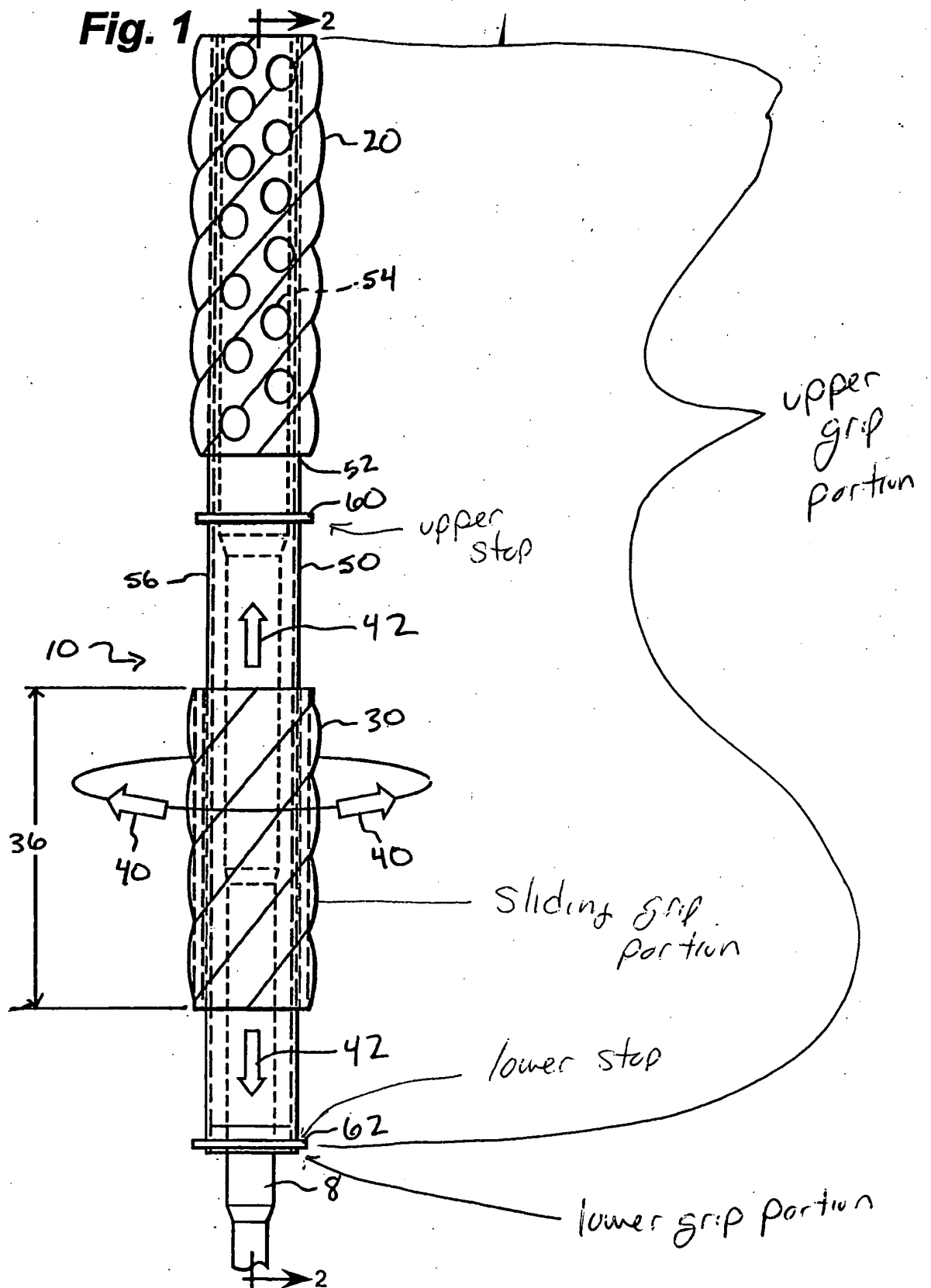
(571) 272-3700. (TC 3700 Official Fax 571-273-8300)

slb/ 5 October 2005



**STEPHEN BLAU**  
PRIMARY EXAMINER

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enclosure(1)